IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 391 OF 2003.

The State of Maharashtra. ... Appellant.
Versus.
Sau.Meerabai Kanhu Padwal. ... Respondent.

Shri S.R.Shinde, A.P.P. for the Appellant.

Shri S.V.Sadavarte for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 13th November, 2006.

P.C.:

1.Â Heard the learned A.P.P. for the prayer for grant of leave to prefer the Appeal. The Respondent was prosecuted for the offence under sections 52(1)(a) and 52(1)(b) of the Maharashtra Regional and Town Planning Act, 1966. The order of acquittal is mainly on the ground that the sanction as required by section 142 of the said Act of 1966 was not granted. The allegation against the Respondent is as regards the change of user from storage to commercial purpose.

2. It appears to be an admitted position that when the charge sheet was filed, the concerned Municipal Council had not granted sanction as required by section 142 of the said Act of 1966. Considering the provisions of section 142 of the said Act of 1966, grant of sanction was a condition precedent. In view of this position, no fault can be found with the order of acquittal. Appeal is accordingly dismissed.

Judge.